

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD NEWMAN,

Plaintiff,

v.

G. HISSONG, *et al.*,

Defendants.

Case No. 19-11751

Stephanie Dawkins Davis
United States District Judge

Patricia T. Morris
United States Magistrate Judge

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**ORDER GRANTING MOTION FOR RECONSIDERATION,
VACATING ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION (ECF No. 24), AND
DENYING MOTION TO EXTEND (ECF No. 28)**

Magistrate Judge Patricia T. Morris issued a Report and Recommendation on August 12, 2020, recommending that the Court grant the motion for partial summary judgment, dismissing the claims against defendant Hissong, dismissing Count II in its entirety, and dismissing any official capacity claims against Hissong and the Michigan Department of Corrections (MDOC), leaving in place only plaintiffs' claims under the Americans With Disabilities Act, 42 U.S.C. § 12101, *et seq.*, and the Rehabilitation Act, 29 U.S.C. § 701, *et seq.*, against the MDOC. (ECF No. 22, PageID.128). Receiving no timely objections, the Court entered an opinion and order accepting and adopting the report and recommendation. (ECF No. 24).

On October 26, the court received a letter from plaintiff Edward Newman, stating that he never received a copy of the report and recommendation. (ECF No. 25). The court issued an order designating the letter as a motion for reconsideration and directing defendants to respond. (ECF No. 26). Defendants' response indicates no objection to allowing Newman additional time to lodge objections to the report and recommendation. (ECF No. 27). Given that Newman did not have an opportunity to file objections to the report and recommendation, the court will **GRANT** his motion for reconsideration and **VACATE** the opinion and order adopting the report and recommendation. **Newman must file his objections by January 21, 2021.**

Newman has also filed a motion to extend the time to file his objections. (ECF No. 28). He explains that there is an outbreak of coronavirus at the facility where he is housed, and he does not have access to the law library at this time. *Id.* At the time Newman filed his motion, there was no deadline in place to extend. The court is hopeful that 30 days will allow Newman sufficient time to access the law library and file his objections. If he is not able to do so, he may move for additional time. Accordingly, his motion to extend time is **DENIED**.

IT IS SO ORDERED.

Dated: December 21, 2020

s/Stephanie Dawkins Davis
Stephanie Dawkins Davis
United States District Judge